



PATENT / DOCKET NO.: 28122.90

**DECLARATION AND POWER OF ATTORNEY FOR
PATENT APPLICATION**

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and sole joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

**VENTRICULAR RESTORATION PATCH APPARATUS
AND METHOD OF USE**

the specification of which: (check one)

_____ is attached hereto.

 X was filed on May 24, 2001
under Attorney's Docket Number 28122.90
as Application Serial No. 09/864,793
and was amended on 9/5/02, 9/16/02, 9/30/02 and 10/30/02.

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We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 CFR 1.56.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

60/272,073
(Application Number)

February 28, 2001
(Filing Date)

Pending
(Status)

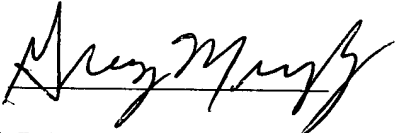
POWER OF ATTORNEY: As a named inventor, we hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Theodore Baroody Reg. No. 45,417
Jeffrey M. Becker Reg. No. 35,442
James R. Bell Reg. No. 26,528
L. Howard Chen Reg. No. 46,615
Randall E. Colson Reg. No. 40,566
Michael A. Davis, Jr. Reg. No. 35,488
Ruben C. DeLeon Reg. No. 37,812
Brian J. Hubbard Reg. No. 45,873
Rita M. Irani Reg. No. 31,028

Warren B. Kice Reg. No. 22,732
Michael J. Balconi-Lamica Reg. No. 34,291
Todd Mattingly Reg. No. 40,298
David L. McCombs Reg. No. 32,271
John W. Montgomery Reg. No. 31,124
Bill R. Naifeh Reg. No. 44,962
David M. O'Dell Reg. No. 42,044
Philip Philbin Reg. No. 35,979

Send correspondence to Bill R. Naifeh, Haynes and Boone, LLP, 901 Main Street, Suite 3100, Dallas, Texas 75202-3789 and direct all telephone calls to Bill R. Naifeh at 214/651-5706.

FULL NAME OF INVENTOR: Gregory Murphy

INVENTOR'S SIGNATURE: 

DATED: 12-17-02

RESIDENCE: 2502 Overcreek Drive; Richardson, Texas 75080

CITIZENSHIP: United States of America

POST OFFICE ADDRESS: 2502 Overcreek Drive; Richardson, Texas 75080

FULL NAME OF INVENTOR: Mitta Suresh

INVENTOR'S SIGNATURE: 

DATED: 12/17/02

RESIDENCE: 3201 Tam O'Shanter; Richardson, Texas 75080

CITIZENSHIP: India

POST OFFICE ADDRESS: 3201 Tam O'Shanter; Richardson, Texas 75080

PATENT / DOCKET NO.: 28122.90

FULL NAME OF INVENTOR: Albert Davis

INVENTOR'S SIGNATURE: 

DATED: _____

RESIDENCE: 304 Arborcrest; Richardson, Texas 75080

CITIZENSHIP: United States of America

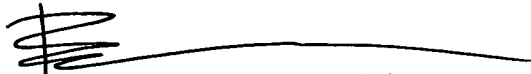
POST OFFICE ADDRESS: 304 Arborcrest; Richardson, Texas 75080

d-910965.2

3. Check in the amount of \$130.00 for the petition fee required under 37 CFR §1.17(i).

Should there be any questions or comments regarding this petition, please contact the undersigned by telephone at the number listed below. The Commissioner is hereby authorized to charge Deposit Account No. 08-1394 for any deficiencies in the enclosed fees. **This form submitted in TRIPLICATE.**

Respectfully submitted,



Bill R. Naifeh

Registration No. 44,962

Dated: 12/30/02
HAYNES AND BOONE, L.L.P.
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Dallas, Texas 75202-3789
Telephone: 214/651-5706
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File No.: 28122.90

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Murphy et al.

Serial No.: 09/864,793

Filed: May 24, 2001

For: VENTRICULAR RESTORATION
PATCH APPARATUS AND
METHOD OF USE



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Group Art Unit: 3738

Examiner: William H. Matthews

#5

Commissioner for Patents
Washington, D.C. 20231

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**VERIFIED STATEMENT OF FACTS IN CONNECTION WITH
THE PETITION TO CORRECT INVENTOR NAME**


I, Mitta Suresh declare the following:

1. I am a joint inventor of the invention entitled "VENTRICULAR RESTORATION PATCH APPARATUS AND METHOD OF USE," filed in the United States Patent and Trademark Office on May 24, 2001, under Serial No. 09/864,793 in the names of Gregory Murphy, Suresh Reddy and Albert Davis;

2. At the time the said application was prepared, Chase Medical's Attorney listed my alias of "Suresh Reddy" on the above patent application and declaration. My legal name is Mitta Suresh. Because I am known and usually go by "Suresh Reddy," I did not understand that the Attorney should have listed my legal name when I signed the Inventor's Declaration. This mistake was simply an oversight and was made without deceptive intent.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 12/17/02


Mitta Suresh